



General Assembly

January Session, 2011

***Raised Bill No. 6647***

LCO No. 5163

\*05163\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE APPOINTMENT OF GUARDIANS AD LITEM TO ASSIST DISABLED INDIVIDUALS IN COURT PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-132 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) In any proceeding before a court of probate or the Superior  
4 Court including the Family Support Magistrate Division, whether  
5 acting upon an appeal from probate or otherwise, the judge or  
6 magistrate may appoint a guardian ad litem for any minor or  
7 incompetent person, undetermined or unborn person, or person with a  
8 disability, or may appoint one guardian ad litem for two or more of  
9 such minors or incompetent persons, undetermined or unborn  
10 persons, or persons with a disability, if it appears to the judge or  
11 magistrate that one or more persons as individuals, or as members of a  
12 designated class or otherwise, have or may have an interest in the  
13 proceedings, and that one or more of them are minors, incompetent  
14 persons, [or] persons undetermined or unborn, or persons with a  
15 disability at the time of the proceeding.

16 (b) The appointment of a guardian ad litem shall not be mandatory,  
17 but shall be within the discretion of the judge or magistrate.

18 (c) Any order or decree passed or action taken in any such  
19 proceeding shall affect all the minors, incompetent persons, [or]  
20 persons thereafter born or determined or persons with a disability for  
21 whom the guardian ad litem has been appointed, in the same manner  
22 as if they had been of the age of majority and competent and present in  
23 court after legal notice at the time of the action or the issuance of the  
24 order or decree.

25 (d) Any appointment of a guardian ad litem may be made with or  
26 without notice and, if it appears to the judge or magistrate that it is for  
27 the best interests of a minor having a parent or guardian to have as  
28 guardian ad litem some person other than the parent or guardian, the  
29 judge or magistrate may appoint a disinterested person to be the  
30 guardian ad litem.

31 (e) When the appointment is made in connection with the settlement  
32 of a decedent's estate or the settlement of the account of a trustee or  
33 other fiduciary, the person so appointed shall be authorized to  
34 represent the minor or incompetent person, undetermined or unborn  
35 person or person with a disability in all proceedings for the settlement  
36 of the estate or account and subsequent accounts of the trustee or other  
37 fiduciary, or until his appointment is terminated by death, resignation  
38 or removal.

39 (f) The guardian ad litem may be removed by the judge or  
40 magistrate [which] who appointed [him] the guardian ad litem,  
41 without notice, whenever it appears to the judge or magistrate to be in  
42 the best interests of the ward or wards of the guardian.

43 (g) Any guardian ad litem appointed under the provisions of this  
44 section may be allowed reasonable compensation by the judge or  
45 magistrate appointing [him] the guardian ad litem and shall be paid as  
46 a part of the expenses of administration.

47        (h) For the purposes of this section, "person with a disability" has  
48        the meaning set forth in section 46a-8.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2011</i>	45a-132
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***Statement of Purpose:***

To provide guardians ad litem for disabled persons involved in court proceedings.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*